

IN RE: PETITION FOR ZONING VARIANCE
W/S of Hanna Court, 250' N of
the c/l of Dogwood Road
(Lot 9 of Hanna Court)
2nd Election District
2nd Councilmanic District
David R. Matthias, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-495-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a window to property line setback of 8 feet in lieu of the minimum required 15 feet, in accordance with Petitioner's Exhibit 1.

The Petitioners, by David Matthias, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as Lot 9 of Hanna Court, consists of .179 acres zoned D.R. 5.5 and is improved with a two story garage with a dwelling unit on the second floor. Mr. Matthias testified he wishes to install a window on the side of the structure on the second floor to provide light and air in the kitchen area. However, due to the location of the structure on the property, the window will be close to the side property line thereby necessitating the requested variance. Petitioner introduced Petitioner's Exhibit 1 evidencing the location of the proposed window will not have any impact upon the neighbors' property as it will overlook the neighbors' rear yard and is approximately 12 feet from the nearest rear corner of the neighbors' dwelling. Testimony indicated that the granting of the variance will not result in any detriment to the health, safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of June, 1989 that the Petition for Zoning Variance to permit a window to property line setback of 8 feet in lieu of the minimum required 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

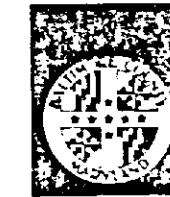
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

June 14, 1989



Dennis F. Rasmussen
County Executive

Mr. & Mrs. David R. Matthias
10 Hanna Court
Baltimore, Maryland 21207

RE: PETITION FOR ZONING VARIANCE
W/S of Hanna Court, 250' N of the c/l of Dogwood Road
(Lot 9 of Hanna Court)
2nd Election District - 2nd Councilmanic District
David R. Matthias, et ux - Petitioners
Case No. 89-495-A

Dear Mr. & Mrs. Matthias:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 12, 19 89

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 11, 19 89

THE JEFFERSONIAN,

S. Zere Orlan
Publisher

PC12466
reg 1128972
co 89-495-A
price \$ 39.40

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

89-495-A

District: 2nd Date of Posting: May 15, 89
Posted for: Haines
Petitioner: David R. Matthias, et ux
Location of property: W/S of Hanna Court, 250' N of the c/l of Dogwood Road, 2nd E. Hanna Court, 2nd Election District
Location of Sign: West side of Hanna Court in front of subject property
Remarks:
Posted by: J. Robert Haines Date of return: May 19, 89
Number of Signs: 1

LEGAL NOTICE

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed variance to the Zoning Regulations of Baltimore County, Case No. 89-495-A, at the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland at 11:00 a.m. on Thursday, June 8, 1989 at 11:00 a.m.

Persons for Zoning Variance
Case Number: 89-495-A
W/S of Hanna Court, 250' N of the c/l of Dogwood Road
(Lot 9 of Hanna Court)
2nd Election District - 2nd Councilmanic District
Petitioner(s): David R. Matthias, et ux
Hearing Scheduled: Thursday, June 8, 1989 at 11:00 a.m.

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Hearing Scheduled: Thursday, June 8, 1989 at 11:00 a.m.

at the

SATURDAY, MAY 27

"A Muppet Affair"
Children's Theatre
& Tea Party

Children's Theatre 1, 3, 5, 7 p.m. at Center Court
Tea Party 11 a.m. at North of Baltimore Coal Factory
FREE Muppet Baby Mugs, while supplies last

REISTERSTOWN
ZAYRE, BURLINGTON COAT FACTORY, 7 MOVIE THEATRES AND
CONVENIENT TO

day of May, 19 89

THE NORTHWEST STAR

Manager *J. Rube*

Cost of Advertisement \$ 21.60

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

89-495-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 307 of the Baltimore County Zoning Regulations to permit the installation of a window to property line setback of 8 feet in lieu of the minimum required 15 feet (B.C.Z.R. 307.1.2.1).

The Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

The house was sited with the intent of a future addition. The lack of a window in the kitchen decreases the value of said property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____ Legal Owner(s): _____
(Type or Print Name) (Type or Print Name)
Signature _____ Signature _____
Address _____ Address _____
City and State _____ City and State _____
Attorney for Petitioner: _____
(Type or Print Name) _____
Address _____
City and State _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted _____
Name _____
Address _____
City and State _____
Attorney's Telephone No.: _____
Address _____
Phone No. _____

ORDERED BY The Zoning Commissioner of Baltimore County, this 14th day of June, 19 89, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14th day of June, 19 89, at 11:00 o'clock A.M.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County.

(over)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

Mr. & Mrs. David R. Matthias
10 Hanna Court
Baltimore, Maryland 21207



Dennis F. Rasmussen
County Executive

Re: Petition for Zoning Variance
CASE NUMBER: 89-495-A
W/S of Hanna Court, 250 ft. N c/l of Dogwood Road
Lot 9, Hanna Court
2nd Election District - 2nd Councilmanic District
Petitioner(s): David R. Matthias, et ux
HEARING SCHEDULED: THURSDAY, JUNE 8, 1989 at 11:00 a.m.

Dear Petitioners:

Please be advised that \$76.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 106, Towson, Maryland 21204, at least 15 minutes before the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

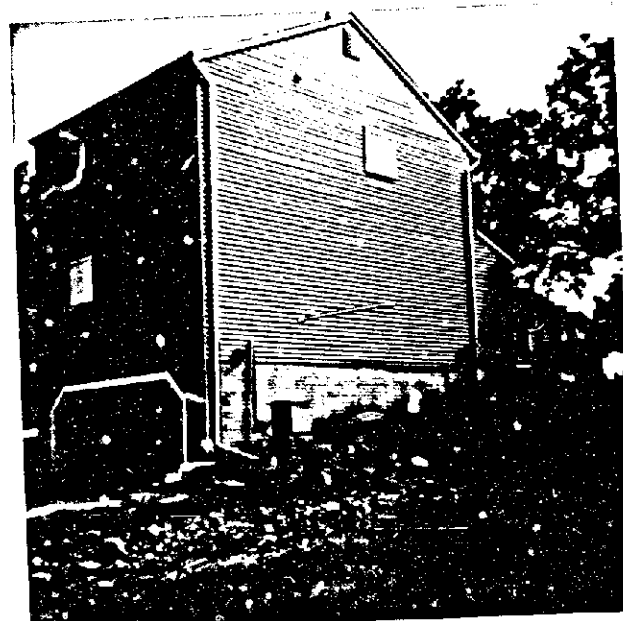
DATE: 6/18/89 ACCOUNT: 89-495-A

AMOUNT \$ 76.00

RECEIVED FROM: David Matthias INCE

FOR: W/S of Hanna Court, 250' N of the c/l of Dogwood Road, 2nd E. Hanna Court, 2nd Election District INER OF

VALIDATION OR SIGNATURE OF CASHIER

[illegible]

Engle